

Congress of the United States
Washington, DC 20515

March 2, 2001

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

As you prepare to meet with South Korean President Kim Dae-jung, we urge you to be mindful of the concerns that many of us have expressed regarding the 1994 Agreed Framework with North Korea.

We recognize that South Korea and our other friends in the region have developed policies that rest in part on the Agreed Framework. As demonstrated by the delays that already have been encountered, however, it may prove impossible to implement the Agreed Framework in precisely the manner envisioned in 1994. With regard to the construction of plutonium-producing light water nuclear reactors in North Korea, serious questions have emerged about safety, liability, licensing, the condition of North Korea's electric power grid, and the suitability of alternate sources of electric power, to say nothing of the need to ensure that North Korea fulfills its obligations under the Agreed Framework and other pertinent international agreements.

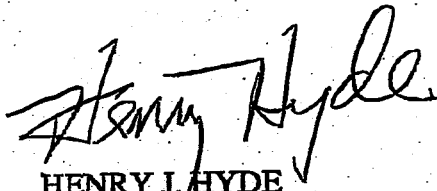
These concerns led the Clinton Administration last year to explore alternatives to light water nuclear reactor construction in North Korea, but reportedly this effort was not pursued, at least in part, out of a reluctance to disrupt existing contractual arrangements. We can think of no worse reason than financial gain for proceeding with nuclear power plant construction in North Korea.

We believe that your Administration has an opportunity to forge a bipartisan policy toward North Korea that can command the full support of Congress. To do this, however, will require extensive consultations between the new officials of your Administration and interested Members of Congress. Obviously there has not yet been time to conduct such consultations.

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Pending further discussions between Congress and your Administration in this regard, we urge you to avoid making any commitments to foreign governments that would prejudice your ability to refine U.S. policy toward North Korea. Certainly your Administration will be in a much stronger position to address other looming issues, such as North Korea's proliferation and deployment of missiles, once we have achieved a political consensus at home.

Sincerely,



HENRY J. HYDE

Chairman

Committee on International Relations



CHRISTOPHER COX

Chairman

Republican Policy Committee



EDWARD J. MARKEY

Ranking Democratic Member

Subcommittee on Telecommunications

and the Internet

Committee on Energy and Commerce

Congress of the United States
Washington, DC 20515

February 5, 2002

The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: North Korea

Dear Mr. President:

We are writing to urge you to take the necessary steps to ensure that North Korea does not obtain access to sensitive U.S. nuclear technologies or materials, at least for so long as it is in violation of its international nonproliferation obligations.

In your State of the Union address, you correctly identified North Korea as part of an "axis of evil, arming to threaten the peace of the world." You noted that "North Korea is a regime arming with missiles and weapons of mass destruction, while starving its citizens." And we welcomed your pledge that "We will work closely with our coalition to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction."

We want you to know that we share your concern over the threat posed to the United States and global security by the efforts of nations like North Korea's obtaining nuclear and other weapons of mass destruction. That is why we believe that now is the time to reconsider U.S. efforts to provide North Korea with two light water nuclear reactors. These efforts, initiated during the Clinton Administration and continued by your State Department, need to be re-evaluated in light of the threats you have identified.

Specifically, we understand that the Administration is preparing to release additional funds to the Korean Peninsula Energy Development Organization (KEDO), which is responsible for constructing two light water reactors in North Korea. Before this can be done, U.S. law requires you to certify that North Korea is abiding by the terms of the 1994 Agreed Framework and that it has no covert nuclear weapons program. In light of your strong statement in your State of the Union address regarding North Korea, we suspect that the facts do not support your making this certification. Accordingly, we urge you not to follow the practice in past years of waiving applicable certification requirements, at least for so long as North Korea continues to deny the International Atomic Energy Agency full access to suspected nuclear facilities and other information in North Korea.

You have spoken about the need to promote compliance with current nonproliferation agreements. On this, both Democrats and Republicans are agreed. Indeed, promoting compliance with the Agreed Framework was the goal that the North Korean certification

requirement was designed to support. Insisting upon satisfaction of this requirement is especially timely in light of your forthcoming trip to South Korea.

We believe that you should give further consideration with regard to whether it is in the U.S. national interest to allow North Korea to obtain access to light water reactor designs or technologies in light of its ongoing interest in obtaining access to weapons of mass destruction. We also believe that further consideration needs to be given to whether alternative energy generation technologies would more quickly and cheaply meet any of North Korea's legitimate future power needs.

Among the concerns we would hope you would address in your decision with regard to the North Korea certification requirement are:

1. Recent public reports that North Korea has been operating a secret uranium processing site that might either help in making illicit fuel for a covert weapon production reactor or for the enrichment of uranium to weapons grade.

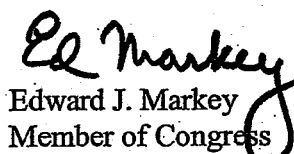
2. North Korean statements that there will be no International Atomic Energy Agency (IAEA) inspection of declared or suspect nuclear sites in North Korea until after a "substantial portion" of the reactor project is completed and demanding additional compensation not called for in the Agreed Framework for not completing the project by the projected target date.

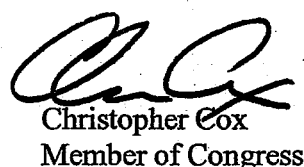
3. Concerns that prior to the laying of concrete foundations this August, North Korea will not agree, as required by Article III of the KEDO Supply Agreement reached June 13, 1995, to a protocol laying out the schedules for the light water reactors' construction and meeting the nonproliferation requirements of the Agreed Framework.

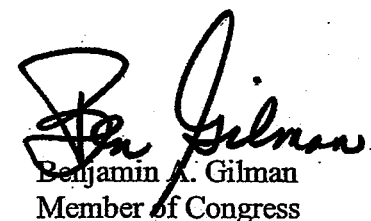
4. Concerns that the proposed reactors are not economically viable projects in light of the current state of the North Korean economy and the reportedly unreliable and antiquated North Korean power grid, which underscore suspicions that the real purpose of these facilities – from the North Korean perspective – is to acquire the technical expertise, infrastructure, training, and technology and materials that would facilitate a covert nuclear weapons program.

We await your decision regarding the North Korea certification requirement and look forward to working with you to assure that countries, such as North Korea, which form part of the "axis of evil," do not obtain access to sensitive nuclear materials and technologies – especially from the United States.

Sincerely,


Edward J. Markey
Member of Congress


Christopher Cox
Member of Congress


Benjamin A. Gilman
Member of Congress

The Honorable George W. Bush
February 5, 2002
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Cc: The Honorable Colin Powell
The Honorable Donald Rumsfeld



THE WHITE HOUSE
WASHINGTON

March 7, 2002

The Honorable Edward J. Markey
House of Representatives
Washington, D.C. 20515-2107

Dear Representative Markey:

Thank you for your letter regarding implementation of the 1994 Agreed Framework with North Korea.

As you know, the Agreed Framework was intended as a mechanism to end North Korea's nuclear weapons program and to bring that country into compliance with the Nuclear Nonproliferation Treaty (NPT). My Administration remains committed to these goals.

North Korea remains out of compliance with the NPT. In 1992, before the Agreed Framework was finalized, North Korea submitted a false declaration to the International Atomic Energy Agency (IAEA) and sought to conceal significant nuclear activities. Although North Korea is complying with the Agreed Framework's freeze on declared facilities, it still refuses to permit the IAEA to take the steps necessary to implement full-scope safeguards, as required under the NPT.

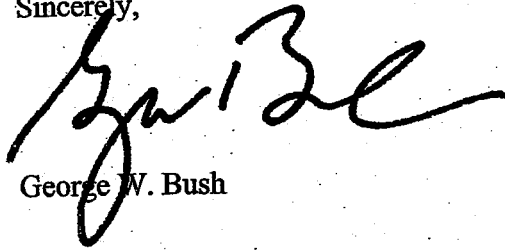
Under the terms of the 1994 Agreed Framework, "when a significant portion of the light water reactor project is completed, but before delivery of key nuclear components," North Korea must come into compliance with its safeguards agreement with the IAEA, including accounting for its past nuclear activities. Rest assured that my Administration will not agree to provide critical components for light water reactors until North Korea comes into full compliance with the NPT and its associated IAEA safeguards agreement.

North Korea remains one of the world's most dangerous regimes and continues to pursue weapons of mass destruction and long-range missiles, while its people starve. The Agreed Framework is one element of a broader approach aimed at addressing the threat we face from North Korea and encouraging progress toward peace and reconciliation on the Korean Peninsula. Yet, it is not the only element of this approach.

We are working with our allies to chart a step-by-step course that, if implemented by North Korea, would lead to more normal relations and a reduced threat. We encourage the North Korean Government to accept our offer of dialogue. This is the path we hope the North will follow, but we and our allies will be prepared if they choose another path. As I said in my State

of the Union Address, I will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.

Sincerely,

A handwritten signature in black ink, appearing to read "GWB", written in a cursive, stylized script.

George W. Bush

Congress of the United States

Washington, DC 20515

May 31, 2002

The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: North Korea

Dear Mr. President:

We appreciate the careful consideration you gave to the points made in our letter to you dated February 5, 2002, regarding North Korea. We particularly welcome the conclusion you drew in Presidential Determination 2002-12 of April 1, 2002, that the facts do not permit you to certify that North Korea is complying with all provisions of the Agreed Framework of 1994. In view of that Presidential Determination, as well as other facts that are now emerging, we believe there are a number of additional steps that the Administration should immediately undertake with respect to North Korea.

The Korean Peninsula Energy Development Organization (KEDO) anticipates that it will begin pouring the foundation of the first light water reactor this August and will complete a significant portion of the reactor project in 36 months. Meanwhile, the International Atomic Energy Agency (IAEA) says that, even with full cooperation from North Korea, it will need at least 36 months to determine if North Korea is in compliance with its nuclear safeguards obligations. Clearly, with North Korea continuing to refuse to open itself up to full nuclear inspections, construction of the reactor should not proceed.

The National Intelligence Council stated in its 2001 report to Congress entitled "Foreign Missile Developments and the Ballistic Missile Threat Through 2015" that "The Intelligence Community judged in the mid-1990s that North Korea had produced one, possibly two, nuclear weapons." Obviously the conclusion that North Korea likely has produced nuclear weapons implies the conclusion that North Korea has in the past maintained a covert program to produce such weapons. The combination of this fact with recent reports that North Korea is currently operating a covert uranium processing facility should raise U.S. concerns that North Korea is continuing to operate a covert nuclear weapons program contrary to the intent of the Agreed Framework.

Given these concerns, we believe three actions should be immediately undertaken to ensure that progress on the North Korean nuclear reactor construction does not get ahead of Pyongyang's compliance with the inspection requirements of the Agreed Framework. These steps are:

1. Instructing the U.S. representative to KEDO's executive board to advise KEDO that America's first priority is to make sure that the construction of nuclear reactors in North Korea does not get ahead of IAEA efforts to assure that North Korea is in full compliance with its safeguards obligations. To this end, the U.S. board member should object to pouring by KEDO of nuclear reactor foundations in North Korea prior to agreement by North Korea to initiation of the IAEA inspections called for in the Agreed Framework.
2. Completing an intelligence assessment of the IAEA's ability to ferret out all of North Korea's possible nuclear weapons-related materials and activities during the three-year course of inspections currently planned by the IAEA. Such assessments have been made in the case of Iraq with regard to UNSCOM and UNMOVIC inspections. We believe that at least as much should be done with regard to North Korea, and it should be done before nuclear reactor construction begins in earnest with the pouring of concrete foundations this August.
3. Discontinuing immediately all U.S. Department of Energy transfers of U.S. nuclear technology to North Korea. Such transfers might be only questionable were Pyongyang to be judged compliant with the Agreed Framework, but the policy is entirely unsound given that North Korea is not in compliance. We certainly cannot ask Russia to stop training Iranians to operate light water reactors when we continue to do so with a nation which, unlike Iran, is in clear violation of the Nuclear Nonproliferation Treaty.

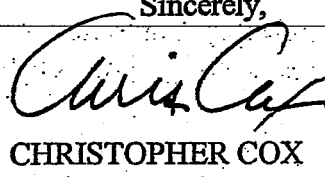
Moreover, following the attacks of September 11th, the U.S. government has restricted access by U.S. citizens to information regarding nuclear reactor safety and operation. In light of this precaution, it is difficult to justify sharing that same information with a government in North Korea that may have a covert weapons program, is listed as a state sponsor of terrorism, and still refuses nuclear inspections.

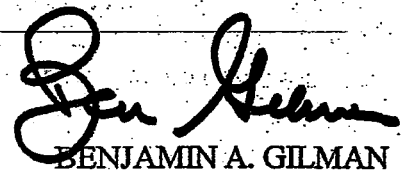
Taking these steps now is essential to buttressing the IAEA in its efforts to begin the nuclear inspections required under the Agreed Framework. These steps also will ensure that U.S. policy does not inadvertently help North Korea develop nuclear weapons.

Again, we appreciate the care with which you have approached this issue, and look forward to continuing to work with you on it.

Sincerely,


EDWARD J. MARKEY


CHRISTOPHER COX


BENJAMIN A. GILMAN

RECEIVED
JUL 10 2002
HON. COX DC OFFICE

THE WHITE HOUSE
WASHINGTON

July 5, 2002



Dear Representative Cox:

On behalf of the President, thank you for your letter regarding implementation of the 1994 Agreed Framework with North Korea. We are committed to ending North Korea's nuclear weapons program and bringing that country into full compliance with its Nuclear Nonproliferation Treaty (NPT) obligations. It is in this context that we have stated our intention to implement our responsibilities under the Agreed Framework as long as North Korea fulfills all of its obligations.

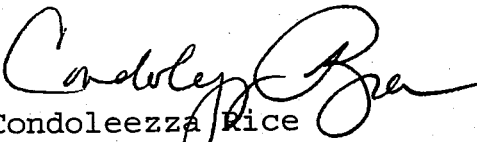
As part of the recent Presidential Determination regarding funding by the Korean Peninsula Energy Development Organization, we highlighted our concerns about the lack of full cooperation by North Korea with the International Atomic Energy Agency (IAEA). We have made this clear in our communications with the North Koreans and have discussed this concern with allies at senior levels, especially given the ongoing progress of construction of the light water reactors. We also value the need for intelligence capabilities to monitor North Korean compliance every step of the way with both the Agreed Framework and the NPT.

According to the Agreed Framework, North Korea will receive critical nuclear components for light water reactors only after it comes into full compliance with the NPT and its associated IAEA safeguards agreement. As the President said in his letter to you on March 7, you can be assured that we will not agree to provide such components until full compliance is certified by the IAEA. At present, we are only transferring technology necessary for licensing and safe operation of the completed light water reactors.

We continue to work with our allies on a course designed to reduce verifiably the threat from North Korea and move towards more normal relations. We believe that dialogue is clearly the preferred path to resolve our concerns. However, we and our

allies will be prepared if Pyongyang foregoes the opportunity to engage in a meaningful way and pursues another course.

Sincerely,


Condoleezza Rice
Assistant to the President
for National Security Affairs

The Honorable Christopher Cox
House of Representatives
Washington, D.C. 20515-2107
